

A N
ENQUIRY
INTO THE
Real Interest
OF
PRINCES
IN THE



Persons of their Ambassadors,
AND

How far the Petty Quarrels of Ambassadors, or the Servants and Dependents of Ambassadors one among another, ought to be Represented by their

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PRINCIPALS.
WITH

An ESSAY on what Satisfaction it is necessary to Give or Take in such Cases.

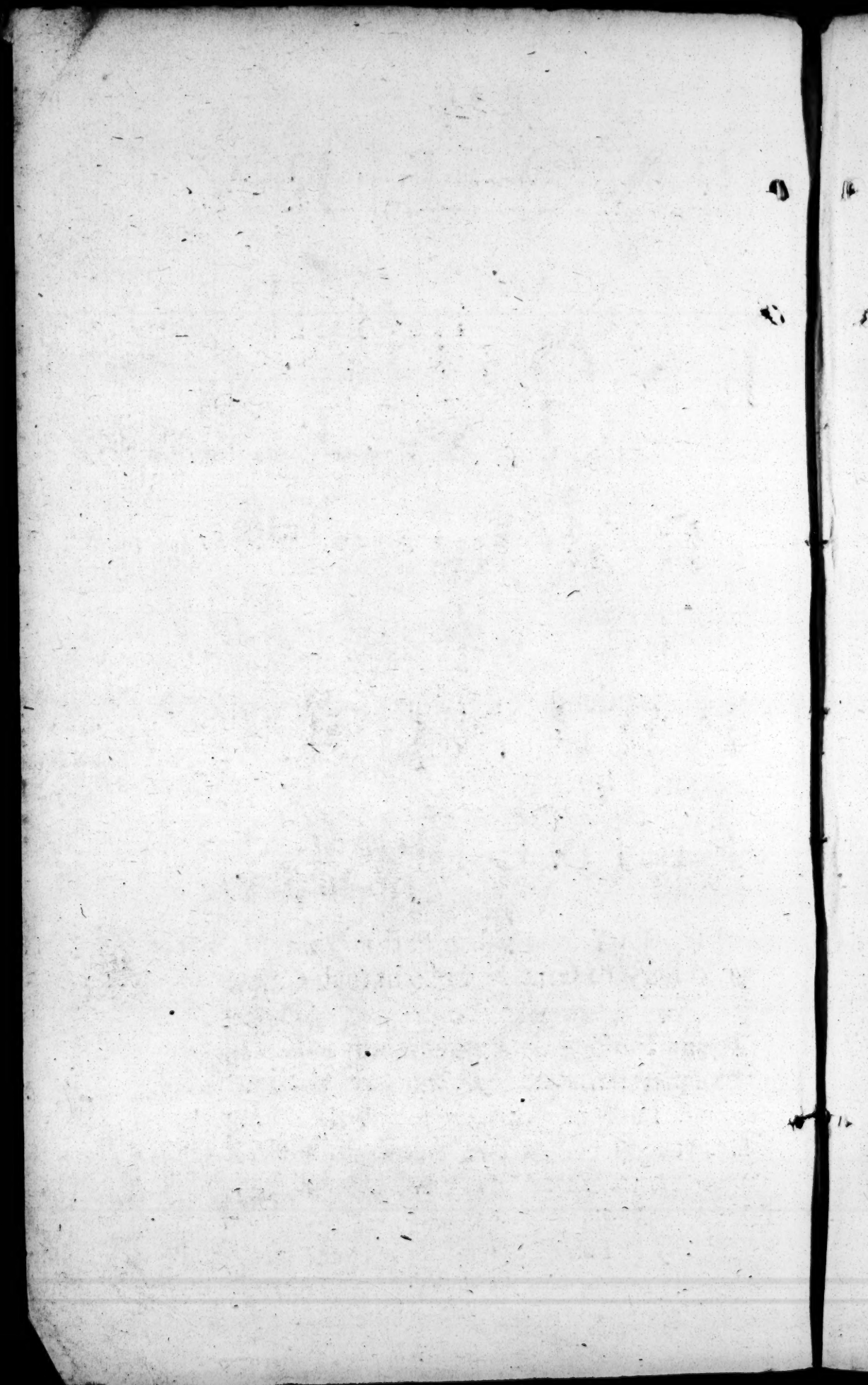
Partially Applied to the Affair of Monsieur Menager, and the Count de Rechteren, Plenipotentiaries at Utrecht.

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IT seems not so much to be the Question in the Case before me, whether the Persons of Ambassadors and Plenipotentiaries, or of all Ministers bearing Publick Character, ought to be Sacred or no. The *Jus Gentium* seems to be concerned in it; it is the received Law

of all Princes and States in the World, even of the most Barbarous, Necessity is the Foundation of it. There would be else no regular treating between Friends or Enemies; War would be carried on *in Aeternum*, and the Parties could come to no Accommodation. But the Question here refers rather to the *Modus*, the Extent of the Sacred Character of Publick Ministers, Ambassadors, &c.

The Custom of Nations causes this Part to differ according to the respective Places they are in. In some Places the Privileges of Ambassadors extend to the Protection not only of their own Persons from Violence, but even their Houses are Sacred; and in some Places a Verge round about their Houses, like the Palaces of our Sovereigns. As in *Rome*, it is an Affront to the Person of an Ambassador, and in him to the Person of the Prince he represents, for the *Sbizzi*, or Officers of Justice, to pass before his Door, and Publick Satisfaction has been demanded in trifling Cases there, as in the Case of the Marquis *de Lavardin*. In *England*, the Ambassadors of Foreign Princes pretend not only to be free from Arrests, tho' for just Debts, but to protect the Bankrupts and Insolvents of the Country, even as many as they please, under the Pretence of entertaining them

them as their Menial Servants. In *Constantinople*, among the *Turks*, the Houses of the Christian Ambassadors have been made Sanctuaries, even in Cases of Murther, and so in other Places.

But there are Cases in which the Persons and Retinue of Ambassadors have been adjudged liable to be insulted, and even to be punished, and in which the Persons of the Princes they represent seem not to be at all concerned; such was the Case of the *Portuguese* Ambassador's Brother in the late Parliament Time, who, tho' reclaimed by the Ambassador himself, as his Domestick, was publicly Executed for a Murther committed in the Streets of *London*. Such was the Case of the late Imperial Ambassador Count *Gallas*, who Her Majesty thought fit to refuse as a Publick Minister, after Twelve Years Residence, and to command to depart the Kingdom in a certain Time, for imprudently concerning himself, as it was said, in the Publick Party-Quarrels among us, which no Way related to his Employment as an Ambassador.

The Question now in Debate seems to have another Aspect, *viz.* not to the Treatment of an Ambassador from one Prince or State to another, but to the
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Treatment and Behaviour of one Ambassador to another, at a General Congress or Meeting of Ambassadors for a Publick Treaty. In this Case Two Things are to be observed, which differ something from the Cases of other Ambassadors.

1. That with Respect to the Country where they are, they are indeed under the Protection of the Government they are in, as Foreign Ministers, and this is settled by Passports, Safeguards, and such like.

2. That the *Ceremoniale* is settled among themselves by such Agreements, and such Regulations, as they severally Conclude, Ratifie and Exchange among themselves; so that if any Breach of Civility, Irregularity or Indecency, among the Retinue or Attendants of another, they have reserved Power and Authority among themselves to do each other Justice; provided that such Breaches, which in themselves are Trifles, may not concern their Principals; this is done that such Trifles may not make any new Quarrels arise, or interrupt the good Understanding necessary to be maintain'd among Ambassadors in the Propagation of the Great Work they are met about. In

In the first of these Cases, the Quarrel which has happened at *Utrecht* seems not at all concerned, for the Government of *Utrecht*, or of the States-General, has no Concern in the Breach, but it is purely a Quarrel among the Domesticks of the Ambassadors; and the Ambassadors themselves, as they say, (whether wisely or no, shall be examin'd by itself,) concerning themselves, and wilfully becoming Parties in the Quarrel.

It is most certain, that in this, as in all other Publick Breaches, false Steps may have been taken, perhaps by both Sides. Some of the false Steps I take to be these. It is well known, that at the first Meeting of the Plenipotentiaries at *Utrecht* they all agreed upon a Regulation for themselves, their Coaches, their Retinue, &c. that so all Disputes and Quarrels might be avoided. It is observable, that among these Regulations Two which relate to the present Debate were remarkable.

1. That none of the Footmen, &c. of any of the Ambassadors should wear any Sword, or Staff, or any other Weapons.

2. That if the Servants of any of them offended in any of the Articles agreed .

agreed on, their Masters should deliver them up to Justice, in such Manner as is directed in the said Articles of Agreement.

It seems here that the Count de Rechtersen's Servants broke this Capitulation in one Article, (*viz.*) that they were arm'd with *Knives*, which is a particular fighting Weapon in that Countrey; whether it was excepted, or no, in the Capitulation, I cannot learn, so I say nothing more to that Part.

It seems again, that the *French* Ministers Servants were Aggressors in the present Quarrel, (*viz.*) in making Grimaces, &c. at the *Dutch* Minister's Servants; whether Grimaces were esteemed a Breach of Behaviour in the aforesaid Capitulation I also cannot learn, so I pass that also.

But I must not pass over that I think the Ministers on both Sides have been exceedingly to blame in the Part they have taken in this Quarrel; and had they considered that they came thither on the Errand of Peace, they might have much better employed their Time, than to put a full Stop to the Tranquility of *Europe* for the Grimaces of their Footmen.

But

But since this is the Case, the Footmen complain to the Ambassadors, and the Ambassadors to the King of *France*. The King of *France* demands Satisfaction, and the rest refuse to give it, and the General Negotiations of Peace stand at a Stay on this Account : This Foolish Trifling puts all *Europe* upon enquiring who is Right and who Wrong in this Case, that the Saddle may be set upon the right Horse.

I remember the Street - Authors made mighty Sport with this Story at first ; the *Flying-Post* call'd it a good Jest, made us merry with the Footmen of the *French* Ministers being handsomely beaten, and then bring in a formal Story of his making, about Monsieur *Rechteren* offering to draw upon Monsieur *Menager*, but that the *French* Gentleman thought not fit to Fight ; not one Word of which had any Truth of Fact in it, but what the Author of that Paper, Infamous and Notorious for Lying, contrived in his own Exuberant Imagination. The *Post-Boy* tells the Story just another Way, and coins a like Sort of Forgeries on the other Hand. It may be needful to let the World see the Truth, which both were obliged afterwards to confess, and so confront themselves, and give the Lie to what

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they

they had imposed on the World before. The History of Fact as Published by the *Flying-Post* and *Post-Boy* of *Septemb. 4.* is as follows, in short, ' As the Count *de Rechteren* in his Coach was passing
' by *Monsieur Menager's* Door, the Foot-
' men at the Door made Grimaces at the
' Footmen behind the Coach.

Note, The Grimaces were not made by the Master, nor at the Master; the Fellows go and tell their Tale to their Master thus, *Sir, Monsieur Mesnager's Men made Mouths at us,* and the like; and for this the Count sends and demands Satisfaction.

Menager very civilly says, *Sir, I do not allow any of my Servants in offering such an Affront to your Men, or to any Body else; and tho' I will not dispute whether our Footmen making Mouths at one another be within the Regulation, yet let me know which of my Men are the Guilty People, and I'll deliver him or them up to Justice.*

The *Dutch* Minister agrees to send his Footmen to *Menager's* House, to see who the Servant was, and prove the Fact.

Before this was performed the Masters meet in the *Mall*, and *Menager* salutes the *Dutch* Ambassador very civilly, and
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the other returns it, and they fall into Conversation on other Heads ; but by the by the *Dutchman* whispers to the *Frenchman* thus, *He expected Satisfaction for the Affront ; the Frenchman* answers as before, *That he is ready to give it him, if he pleases to let him know which of his Servants were the Guilty, or that the Fact may be proved.*

In the Moment the *Dutchman* calls his Servants, and bids them fall upon the *Frenchman's* Servants, and beat them, which they did sufficiently, and, say some of the Accounts, had like to have Murdered them with their Knives.

All this now might have been well enough, and the Footmen on both Sides might have been punished for it, had not the next Step altered the Case ; for *Menager* finding, how it was, and the Footmen telling their Complaint in the Hearing of the Count *de Rechteren*, he takes it all upon himself, and declares aloud that the Affront may be Publick, that it was his own Command ; for speaking of his Servants beating the other, he says,

When they do so I will reward them, and if they would not do it I would turn them away.

Monfieur *Menager*, to make himfelf amends, makes the King acquainted with it, who being thus injur'd in the Perfon of his Ambaffador demands Satisfaction, and refufes to treat till he obtains it of the States.

If the Printed Account be Right, no Man questions but that the *Dutchman* was in the Wrong; but whether the States-General ought to be obliged to make any Satisfaction for it is the next Question.

If one Cafe may be Illustrated by another, it may not be foreign to this Cafe to enquire what her Prefent Majefty has thought herfelf obliged in Juftice to do in a Cafe not fo ill Circumftanced as this, (*viz.*) in the Affair of Monfieur *Mattcouft*, the late *Mufcovite* Ambaffador.

Monfieur *Mattcouft* being Indebted to fome Tradefmen in *London*, and it being reported that he was going away to *Mufcovy*, they Arrefted him for their Money; they did not pretend they had Leave from the Government to do it, nor was the Government any Way concerned in the Infult offered to the Ambaffador, other than that the Writ by which he was
Arrefted

Arrested is supposed to be the Queen's Act and Deed, because it is Sealed by the proper Officers, and is called the Queen's Writ.

No sooner was it known to the Government that such an Affront had been offered, but Order was sent by the Queen's Special Comand to release the Person of the Ambassador; the Officers were taken into Custody for the Offence, they were censured in Parliament, and all possible Satisfaction was given to Monsieur *Mattcoust* that the Queen was no Way concerned in the Thing.

But this was not all, Her Majesty out of Her Regard to Justice, and to shew Her willing Assent to the Great and Universal Law of all Nations, that the Persons of Sovereigns are concerned in all the Affronts given to their Ambassadors, and that the Persons of the Ambassadors of Princes ought to be Sacred, and ought to be protected from all Manner of Insults, did not think it below her to offer all possible Satisfaction to the Czar of *Muscovy* on this Occasion; and this was not done by sending Letters of Acknowledgement to the *English* Minister at *Muscovy*, but was at the Charge to send a Royal Embassy on Purpose, an Ambassador Extraordinary

dinary to testify her Majesties Concern for the Injury, to disown the having any Concern in it, and pray his Czarish Majesty to forget the Affront, and to preserve the usual Amity. This was much more than the Court of *France* demands of the States of *Holland*, and yet it was what her Majesty thought fit to do voluntarily, as what it was understood Justice demanded of her to do.

We have a like Instance of National Justice done to Ambassadors in the Case of the *Spanish* Ambassador in *England*, whose House was insulted and rifled, his Chapel gutted, as our People called it, and almost demolished, and his Servants treated rudely enough by the Rabble at the Tumults of the Revolution; for Satisfaction whereof the Government here made good all his Losses and Damages, and that in such a Manner, that it was merrily said of the Ambassador, he would be content to be plundered so once a Year as long as he continued Ambassador, and make no Complaint to his Principals.

These were Voluntary Satisfactions made on our Part, and both the Cases such as in which the Government had really no Share, yet in Deference and Distinction to the Character of an Ambassador our Government

ment has thought fit rather to overdo than to leave the least Shadow of a Precedent for the Mal-treating either of our Ambassadors in other Places, or of the Ministers of other Princes here among us.

These seem to be Justifiable Precedents to move the *Dutch* in the Case now before them rather to be forwarder than is demanded to do Justice in the Case of an Affront done to a Person in a Publick Character. The late Action of the King of *Sweden* in the Case of General *Paskull* was as much ill-spoken of in *Holland* as any where, because the said *Paskull* was a Person at the same Time under a Publick Character; and generally speaking the *Dutch* have been as Careful to have Publick Ministers as well treated among them as in any Part of the World.

The trifling Quarrel then which at this Time embarrasses *Europe* had been of little or no Consequence had not the respective Ambassadors concerned themselves in it; a Thing which will be justly censured by Wise Men on them both, as discovering but a very indifferent Regard to the Work they were upon: But if we were to speak with the utmost Impartiality, we must say, that the *Dutch* Minister not only took
part

part in an Offence which was not thought worth being mentioned in the Regulations, and which was of no Consequence, neither could it, without straining it to the utmost, be called an Affront to him, as what he saw nor, or heard; nor was it done at him, but at his Footmen; and if the Footmen on one Side made Mouths at his Footmen, these might have made Horns at them if they had thought fit, and there had been no more to be said.

In the next Place, whatever Resentment the *Dutch* Minister thought fit afterwards to shew, even the Beating of Monsieur *Ménager's* Footmen, yet had he not owned it as done by his Special Direction, as an Insult upon the Person, or Ambassador, or Plenipotentiary, their Master, and this in the Presence of the other Plenipotentiaries, there need then have been no more Notice taken of it.

It remains to examine, whether the *French* Minister after this Treatment might not have put up with the Affront, his Servants being Aggressors, and so the Affair had ended there; but some are of Opinion, as an Ambassador ought not to be Insulted, but that his Person is Sacred by the Law of Nations, so he cannot put up any Affront without acquainting his Master with it; and the Reason is the

the same in both, (*viz.*) because he cannot be affronted in his own Person, but it is his Master who is affronted, and therefore 'tis a Right which he cannot without Unfaithfulness to his Master deprive him of.

History is full of Examples of the Resentment of Princes for the Affronts done to their Ambassadors ; nor is it without Eminent Instances of the Resentment of Princes against their Ministers, when they either omitted to acquaint their Masters of the Affronts offered to them in the Person of their Servants.

This seems to acquit Mr. *Menager* in the Case before me ; it could not have been possible but the Passage so openly and publicly managed would have come to the Ears of the King of *France*, tho' Monsieur *Menager* had for Peace Sake been Silent in it ; and it is left to the most Impartial Judgment in the World to resolve what ought the King of *France* to have said to his Minister, if he had forborn to give him an Account of it ; doubtless he would have Cashier'd Monsieur *Menager*, as a Person not fit to be entrusted with the Honour of a Sovereign Prince, that knew not his Duty when to resent an Injury, or how to distinguish be-

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tween what did, or did not, concern the Interest and Person of his Master.

Mon^s. *Menager* therefore did nothing but his Duty in acquainting his Master of it; and he had been many Ways inexcusable if he had not; he had been unworthy of the Character which he was honoured with, and had undoubtedly been punished by his Master if he had not.

I come next to enquire whether the King of *France* ought to insist upon Satisfaction in the Case of this Affront, or not; and whether the *Dutch* ought to give or refuse; and lastly, State the Satisfaction he demands, and see whether it be reasonable or usual to demand such a kind of Satisfaction, and what Proportion it bears to the Nature of the Offence.

As to the King of *France*'s resenting the Affront, this necessarily Demands an Enquiry into the Nature of it. The making Grimaces, or mocking Gestures, by the *French* Minister's Footmen, began the Breach; but this cannot be called an Affront to the States-General, because the Regulation of Domesticks was within the Direction of the Plenipotentiaries, who had agreed upon Rules of Behaviour for their Servants, and Methods of Justice to punish

punish them if they offended; the Behaviour of Footmen therefore to Footmen could not have amounted to a Crime which the Principals on either Hand could take any Cognizance of; and so far the King of *France* could have no Reason to demand Satisfaction of the States General, especially because Monsieur *Menager* declared he did not allow the Behaviour of his Footmen. Neither does the Violence offered by the *Dutch* Minister's Footmen, to the *French* Minister's Footmen, as beating them, and threatening them, come up to an Affront to the *French* King in the Person of his Ambassador.

But when Monsieur *Rechteren* comes to own the Thing to be his own Act and Deed, and that he commanded it to be done, this is what alters the Case entirely, and this really affects his Master. For when he told the Ambassador that he ordered his Servants to beat the *French* Servants, the plain *English*, it is my Act and Deed, I therein tacitly am understood to Box you, and in you the King your Master. In this Act I must give it against the Count *de Rechteren*, (*viz.*) that he was in the Wrong; that he offered the first Affront, as it concerned the Person of the King of *France*; nor have I heard any one Person deny but that the

Dutch Minister was much to blame, and that the Affront that was given was first on his Part, that he was Aggressor. This brings in the Consequence naturally, (*viz.*) That the *French* King has Justice on his Side, and ought to demand Satisfaction of the States-General.

The Case of the States-General comes in just to make good the contrary Part; for if it be clear that the *French* King has Reason to demand Satisfaction of the States, it must be true that the States-General have Reason to grant it. It seems plain from what has been said that this is just, and that the *Dutch* Plenipotentiary was the Aggressor in that Part of the Affront which touches the King of *France*; and as the Aggressor is liable in all Cases to the *Amend*, so it cannot be disputed after the first Part is granted. But I think the Nature of the Fact, as above described, puts it past Doubt. Nor do I make any Question but the States-General have already disapproved the Conduct of the Count *de Rechteren*, and we have no Reason to think they will refuse to disown in Publick, what they disapprove of in Private. The Case has been several Times before them; all Accounts agree that they have in none of their Debates justified the Conduct of the Count *de Rechteren*, nor indeed

indeed does he seem to justify it himself, as appears by his offering to lay down his Commission; nay, on the Occasion of these Debates, I understand diverse of the Deputies have given their Opinion that he was in the Wrong; all the Question seems then to lye, whether it ought to be expected of the States-General that they should either one Way or other take Notice of it; but that it should be sufficient to have Monsieur *Rechteren*, who gave the Affront, give the Satisfaction. This is the utmost Nicety of the Affair; and it is not for a Man without Doors to determine such a Thing positively, and to condemn this Side or that, this as over Nice, or that as over Scrupulous.

But this may in few Words be said to it, (*viz.*) at best it seems to shew that neither Side have much Zeal for the Peace which both are openly transacting, that they can be content to put it all to a full Stop upon a Thing of so little Consequence.

That the *Dutchman* would rather gratifie his Passion and Fury at a little Affront put upon his Footmen, then promote the great Work he was employed in, *viz.* of bringing a Treaty of the last Consequence

quence to all *Europe* to a Conclusion. I will not fall in with those here who charge the Confederate Plenipotentiaries in general with Designs rather to destroy the Treaty, than conclude a Peace; which Design has been laid at the Door of some People, and Parties here also acting in Conjunction with them; this does not seem so plain, as that I should take upon me to affirm it, and therefore I leave that Point as I found it.

But how comes *France* to be so indifferent as to Peace, that they were so earnest for before, and which they seem'd to solicit for? The Invidious Answer which some make Use of here, (*viz.*) because we are broken off from the Allies, is not the Case here; I am no more clear in that on this Side, than in the above Scruple on the other Side; but that the Successes of the Campaign have been the Occasion; and that the *French* see a manifest Advantage before them, an Opportunity of recovering all they lost the Three last Campaigns; and therefore they are not so forward for the Peace, as not to let this little *Punctilio* of an Affront hinder the Negotiations; if it were only on this Account, I cannot think but the *Dutch*, who it seems resolve not to hazard any Thing in the Field, should rather wave such a Cere-

Ceremony as they now stand on, than lengthen out their Losses ; and there is no Question but they will do so.

The last Thing is the Satisfaction the *French* demand. Indeed I cannot but wonder the Temper the *French* are of, and their present Advantages considered, that they did not insist upon some Satisfaction which had not consisted with the Honour of the States to have given ; but as it is only their discovering their Minister in a Thing which they are sensible he was in the Wrong in, and which they cannot Justifie, this is a Satisfaction so Trifling, that I cannot but think the States should have done it Voluntier, as the Queen did in the Case above to the *Czar* of *Muscovy* ; and as to removing the Count *de Rechteren*, that's done for them, since, we are told, he resigns his Commission of his own Accord. Thus a little Condescension, in what every one thinks the *Dutch* are in the Wrong in, would put an End to this unhappy Breach, and cause the Negotiations to go on, so that the Peace of *Europe* may be no longer hindred by such a ridiculous Piece of Ceremony, as this of the Footmens Grimaces.

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